

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

WAVE NEUROSCIENCE, INC.,

Plaintiff,

vs.

BRAIN FREQUENCY LLC,

Defendant.

Civil Action No. 5:23-cv-00626-XR

Demand for Jury Trial

DECLARATION OF JOHN SABA

1. My name is John David Saba, Jr. and I am an attorney with Wittliff Cutter, PLLC, which represents Defendant Brain Frequency LLC in the above-styled lawsuit. I have been licensed with the State of Texas since 2002.

2. I am fully capable and competent to testify and have personal knowledge of the matters stated in this declaration. Each statement contained herein is true and correct to the best of my knowledge.

3. Plaintiff alleges that Brain Frequency infringes four patents including, the following: U.S. Patent Nos 10,029,111 (the “’111 Patent”); 8,465,408 (the “’408 Patent”); and 8,870,737 (the “’737 Patent) (collectively the “Asserted Patents”). [*See generally* Dkt. No. 10].

4. A true and correct copy of the ‘111 Patent is attached hereto as Exhibit 1.

5. A true and correct copy of the ‘408 Patent is attached hereto as Exhibit 2.

6. A true and correct copy of the ‘737 Patent is attached hereto as Exhibit 3.

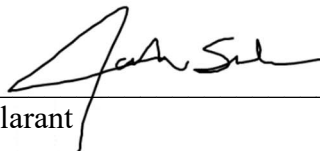
7. Plaintiff served its infringement contentions (“Infringement Contentions”) identifying its asserted claims for each of the Asserted Patents on December 15, 2023. A true and correct copy of Plaintiff’s Infringement Contentions is attached hereto as Exhibit 4.

8. Plaintiff alleges Brain Frequency infringes Claims 1 and 3-7 of the ’111 Patent. Claim 1 of the ’111 Patent is an independent claim and Claims 3-7 are dependent claims. Claims 1 and 3-7 of the ’111 Patent are method claims.

9. Plaintiff alleges Brain Frequency infringes Claims 1-4, 9-10, 12, and 20 of the ’408 Patent. Claims 1, 2, 12 of the ’408 Patent are independent claims. Claims 3-4 and 9-10 and 20 of the ’408 Patent are dependent claims. Claims 1-4 and 9-10 of the ’408 Patent are method claims.

10. Plaintiff alleges that Brain Frequency infringes Claims 1-4, 8-9, and 11 of the ’737 Patent. Claims 1 and 2 of the ’737 Patent are independent claims. Claims 3-4, 8-9, and 11 of the ’737 Patent are dependent claims. Claims 1-4, 8-9, and 11 of the ’737 Patent are method claims.

I declare under penalty of perjury that the foregoing is true and correct.


Declarant

Executed in Travis County, State of Texas on the 3rd day of May 2024.